

CAUSE NO. PD-1089-20

CHARLES LYNCH,  
Appellant

v.

THE STATE OF TEXAS  
Appellee

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FILED  
IN THE COURT OF  
COURT OF CRIMINAL APPEALS  
5/18/2021  
DEANA WILLIAMSON, CLERK  
CRIMINAL APPEALS  
  
OF TEXAS

**APPELLANT'S MOTION FOR EXTENSION OF TIME TO FILE BRIEF**

TO THE HONORABLE COURT:

COMES NOW, original Appellant, CHARLES LYNCH, in the above captioned matter, and requests this Court to extend the time to file his response brief until today, May 17, 2021, in this matter and for good cause would show the Court as follows:

The State filed their Brief with this Court on March 23, 2021. Appellant requests this Honorable Court to extend the deadline for filing the response brief and would show the Court as follows:

1. Counsel for Appellant had requested a 45 day extension in his first motion, which would have made the due date June 7, 2021. Counsel received the notice that this motion was granted. Counsel looked at the due date to confirm the precise date due and saw it was due on the 7<sup>th</sup>. Counsel failed to notice that this Court had granted the extension to only May 7, 2021, instead of the requested June 7, 2021. Counsel became aware of this error when he/I received notice of the missed deadline. The brief is being filed along with this motion.

2. Additionally, counsel was set for and appeared ready for trial on May 11, 2021 in State of Texas v. Cedric Neely, 405<sup>TH</sup> District Court, Galveston County. This case was not reached for trial;
3. Was preparing for trial in State of Texas v. Denzel Lee, 248<sup>TH</sup> District Court, Harris County, which was set on May 14, 2021. The trial court in that case sua sponte continued the matter on May 10, 2012.
4. Counsel was also handling and/or preparing for trial on four additional cases for later in May, in both State and Federal Court.

Counsel for Appellant requests this Court to grant Appellant an extension of time to file his brief until May 17, 2021. Appellant's brief is being filed contemporaneously with this motion. This is Appellant's second Motion for Extension of Time to File Response Brief. Counsel has conferred with the State and the State is unopposed.

WHEREFORE, PREMISES CONSIDERED, Appellant requests Joel H. Bennett this Court grant an extension of time to file his brief until May17, 2021.

Respectfully submitted,

SEARS, BENNETT, & GERDES, LLP

*Joel H. Bennett*\_\_\_\_\_

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ATTORNEY FOR APPELLANT

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing instrument has been served upon the Galveston County Criminal District Attorney's Office on this the 17<sup>th</sup> day of May, 2021 by email to alan.curry@co.galveston.tx.us.

Joel H. Bennett  
Joel H. Bennett

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IN THE COURT OF  
  
CRIMINAL APPEALS  
  
OF TEXAS

**ORDER ON APPELLANT'S MOTION FOR EXTENSION OF TIME TO FILE  
BRIEF**

On this \_\_\_\_\_ day of \_\_\_\_\_, 2021 came on to be heard the above referenced Appellant's Motion for Extension of Time to File Response Brief and the Court having considered the same is of the opinion of that said Motion is good and should in all things be GRANTED/DENIED.

It is therefore ORDERED, ADJUDGED, AND DECREED that the time for Appellant to file his brief is extended until May 17, 2021.

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JUDGE PRESIDING